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10/066,486	01/31/2002	Carl Mansfield	SLA 1120	3520

7590

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EXAMINER

AGDEPPA, HECTOR A

ART UNIT

PAPER NUMBER

2642

DATE MAILED: 04/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/066,486

Applicant(s)

MANSFIELD ET AL.

Examiner

Hector A. Agdeppa

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 October 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-11,13-33,35,36 and 39-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-11,13-33,35,36 and 39-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment filed on 10/22/2004 has been entered. Claims 1, 2, 4 – 8, 10, 13 – 17, 19, 20, 23 – 26, 30 – 32, 35, 36, and 39 – 42 have been amended. Claims 3, 12, 34, 37, and 38 have been canceled. Claims 46 – 54 have been added. Claims 1, 2, 4 – 11, 13 – 33, 35, 36, and 39 – 54 are pending in this application with claims 1 and 23 being independent.

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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2. Claims 1 - 45 are rejected under 35 U.S.C. 103(a) as being obvious over US 4,899,372 (Wahi et al.) and further in view of US 6,252,952 (Kung et al.) and US 2002/0150220 (Weinman, Jr.)

As to claims 1, 2, and 4 - 10, Wahi et al. teaches a lockout system and device(s) wherein at least one external telephone line connected to a residence has a plurality of extensions or telephones connected thereto. Such is read as the claimed home network able to transmit and receive calls, wherein the at least 2 telephones are read as the claimed endpoints. Wahi et al. further teaches the ability to allow other extensions to connect to the external line or to prohibit such connections, read as the claimed excluding bridges thereby allowing only one of the extensions to be connected to the external line, providing privacy from interruption from the other extensions. (Abstract, Col. 1, lines 8 – 14, Col. 2, lines 15 – 23)

Wahi et al. also teaches that both public and private modes of operation are possible, wherein the private operation has been described above, and is effected upon pushing a button located on any of the telephones in the home network. The public mode is effected when the above-mentioned button is pushed again, or put in the “off” position, thereby allowing normal operation of the external telephone line and plurality of telephones, i.e., if one telephone is connected to the external line in an ongoing call and another telephone goes off-hook, i.e., the claims second endpoint, that second telephone will “join” the ongoing call. (Col. 2, line 30 – Col. 3, line 48)

Moreover, Wahi et al. teaches that the push button may be actuated at any time, thereby allowing for a second telephone to be connected to the external line, read as

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the claimed adding a bridge, or allowing for a previously connected second telephone to be disconnected from the external line at any time. (Col. 2, lines 44 – 51)

What Wahi et al. does not teach is using a gateway and establishing various traffic and control channels throughout the home network and independently selecting private and public modes for each telephone line which involves selectively including or excluding bridges through the gateway.

However, Kung et al. teaches a personal user network that employs various gateways such as a broadband gateway, signaling gateways, etc. for interconnecting not only telephones but also computer endpoints, various communication devices, TVs, etc. Moreover, Kung et al. teaches creating various channels for interconnecting and controlling the various endpoints in the system through various types of connections such as LANs, coaxial cable, ATMs, etc. These connections inherently use traffic and control channels. (Figs. 3 – 6, Col. 1, lines 15 – 50, Col. 3, line 20 – Col. 5, line 28, Col. 9, lines 61 – 67, Col. 16, line 44 – Col. 19, line 16 of Kung et al.)

It would have been obvious for one of ordinary skill in the art at the time the invention was made to have implemented a lockout feature in the system of Kung et al. inasmuch as Kung et al. teaches generally a home network using more recent technology, whereas Wahi et al. teaches the lockout feature in a more dated, standard POTS telephone system found in any residence. Kung et al. would merely provide a more modern environment upon which the teachings of Wahi et al. would be implemented. Moreover, because Kung et al. teaches the ability to interconnect and control standard POTS telephones, nothing that Wahi et al. teaches would interfere with

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or teach away from anything that Kung et al. teaches. (Col. 16, lines 59 – 67 of Kung et al.)

Moreover, Kung et al. teaches that broadband gateway 300 acts like an interface wherein conversions can be made between the various types of communications contemplated, i.e., for example, an analog / POTS protocol to and from the gateway protocol, such as IP for example. (Col. 16, line 44 – Col. 17, line 9 of Kung et al.)

Also, Weinman, Jr. teaches a multi-line telephone with the ability to selectively and independently control each external telephone line connected to the telephone, including audio, signaling, and bridging parameters. (Abstract, Fig. 4, P. 1, ¶ 0005, P. 2, ¶ 0016, 0020, P. 3, ¶ 0022 – 0024 of Weinman, Jr.) It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Wahi et al. or the combination of Wahi et al. and Kung et al. to allow for independent control of separate external telephone lines as taught by Weinman, Jr.

Weinman, Jr. simply teaches that it is old and well known in the art to allow for the separate control of features on separate, external telephone lines. Therefore, if Wahi et al. teaches controlling privacy and public features or parameters on a single-line telephone, such features and parameters could be easily extended to each line in a multi-line system, there being no needed or claimed interaction between the separate external telephone lines.

Moreover, Weinman, Jr. teaches that the multi-line system allows a user to independently control bridging for each external telephone line and effect private and public conversations and conferencing and monitoring of each external line, even

providing more suggestion and motivation for the combination and modification discussed. (See also P. 4, ¶ 0026 of Weinman, Jr.)

As to claim 11, because the privacy and public modes are control features, it would be obvious if not inherent that control channels would be used to transmit such information to the network backbone or broadband gateway. Again, instead of having a multitude of disconnected appliances and communication endpoints, all are integrated through a broadband gateway and can be controlled by, for example, a central device 338. And the only way for a telephone, for example, to be connected to and controlled by a gateway, would be to allow for the gateway to communicate control signals thereto. (Figs. 2 and 3, Col. 18, lines 15 - 49 of Kung et al.)

Of course, the traffic channels would be the channels that voice would travel over in the network, whether it be the standard POTS lines or if for example, in VOIP communications, another channel would have be used for transmitting the decoded analog telephony traffic. (Col. 24, lines 14 – 55 of Kung et al.)

As to claim 13 – 15, flags are old and well known in the telephony and computer arts and are commonly used to represent and effect state changes in a system, which here would be between the private and public modes of operation. Default flags, permission flags, toggle flags again, are all merely representations of known features. One would not want, for example, a child having the permission to change parameters in the home network, thereby necessitating some type of authorization, i.e., a permission flag. To move between private and public modes, of course, a toggle flag would exist to toggle between the two modes. Default flags too are known since

systems usually have some type of default status. For example, in the system of Wahi et al., that status is the public mode and upon a telephone going on-hook, the system is reset or defaulted to the public mode.

While not discussed explicitly in Kung et al., such would be obvious if not inherent. See also Figs. 5 and 6, which show exemplary signaling in the system. States and signaling messages like these commonly have flags associated with them so that the system or the controller can know when to send such messages for example, or can know how to react to messages and system events.

As to claim 16, such a limitation is merely a user-friendly feature that is commonly implemented in telephony systems so as to inform a party that their call or service request has failed. The motivation for such a feature is simply so that the party is better informed.

As to claim 17, such is again, an old and well known user-friendly feature. It is merely a default condition that allows a user who has been refused service on one line, the use of an unused line. Multi-line systems are very old and well known and again, it would have been obvious to implement such a feature because it would be wasteful and counter-intuitive to not provide an unused line if one exists.

As to claim 18, the limitation recited is merely transferring a telephone from one endpoint to another. Such is also old and well known, for example, in an office environment wherein a secretary will first answer an incoming call and subsequently transfers the call to her boss, while disconnecting her telephone from the incoming call.



It would have been obvious to do the same here inasmuch as many situations arise when a person answers a telephone and the call is for another party. To make things simpler, it would be advantageous to simply transfer the call to another endpoint instead of calling for the person to come to the answering telephone.

Moreover, as discussed above with respect to Wahi et al., a first telephone could put the system in public mode and allow a second telephone to enter into the conversation and have the second telephone put the system into private mode, thereby excluding the first telephone. Such would also read on these claimed limitations.

As to claims 19 - 21, such is accomplished merely by answering an incoming call or originating a call. The incoming call and the external line it came in on will be bridged to the answering telephone, and an outgoing call will be bridged to an external line going to a central office, for example.

As to claim 22, see the rejection of claim 11 and the discussion of device 338 of Kung et al. Such is an input/output device reading on the claimed invention.

As to claim 23, Wahi et al., Kung et al., and Weinman, Jr. have been discussed above. Kung et al. also teaches that both the broadband gateway 300 and endpoints have various ports for connecting to each other and for control and interactive purposes. Also, the keypad on a telephone reads on the claimed user interface, besides the user interface displays available to a user on their TV, PC, etc. (Col. 3, lines 34 – 65 and Col. 18, line 49 of Kung et al.)

As to claims 24 – 31, 35, 36, 38, see the rejection of claims 1 – 9 above.

As to claim 32, see the rejection of claim 10.

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As to claim 33, see the rejection of claim 11.

As to claim 39, see the rejection of claim 16,

As to claim 40, see the rejection of claim 17.

As to claim 41, see the rejection of claim 18.

As to claims 42 - 44, see the rejection of claims 13 – 15.

As to claim 45, see the rejection of claim 22.

As to claims 46 and 49, see the rejection of claim 1 and note the discussion of Weinman, Jr. While Weinman, Jr. discusses control regarding telephone lines, if only one extension or endpoint is present on each line, Weinman, Jr. would read on the present invention as claimed.

Approached differently, Kung et al., as discussed above, teaches controlling specific devices and associated ports, not merely lines as well as remote control of the gateway 300 or any connected device. Therefore, such would be inherent if not obvious to one of ordinary skill in the art. Even simply turning a device on or off would read on “permitting” or “excluding” bridges. Referring back to Weinman, Jr. wherein calls can be routed through one or more bridges, if one bridge is used, turning on or off would effectively permit or exclude the bridging in of that device.

As to claims 47, 48, 50, 51, 53, and 54, see the rejections of claims 1 and 46 and further note that none of the cited references distinguish operation between calling or called devices. For example, Wahi et al. contemplates using the private and public modes in either case. (Col. 1, lines 41 – 59 of Wahi et al.)

As to claim 52, see the rejection of claim 10.

***Response to Arguments***

3. Applicant's arguments with respect to claims 1 – 1, 2, 4 – 11, 13 – 33, 35, 3, and 39 - 54 have been considered but are moot in view of the new ground(s) of rejection.

However, for further clarification, note that Kung specifically teaches integration of the broadband gateway 300 with POTS telephones, thereby directly refuting applicant's assertions to the contrary. (Col. 16, lines 59 – 67 of Kung et al. and see applicant's admission on page 19 of the remarks to the previous office action.

As to applicant's prima facie argument asserting no motivation to combine POTS and gateway telephone references, the very fact that the broadband gateway of Kung et al. contemplates integration with POTS telephone and therefore, inherently, POTS services provides the necessary motivation. Applicant's argument on page 21 of the remarks admits as much. Both POTS and residential gateway technologies are known in the art as taught, obviously, as taught by the cited references. Therefore, guidance will come from the knowledge generally known in the art regarding such technology that admittedly contemplates the joining of the residential gateways and POTS service.

As to applicants arguments regarding common sense, see the above argument as it applies here as well. The reason for rejecting the present invention using a 103 rejection instead of a 102 rejection was because it was deemed to be obvious to take features of a POTS service (Wahi et al.) and apply it to a residential gateway (Kung et al.) that specifically contemplated integration with POTS telephones. Again, applicant's

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own argument on page 21 of the remarks suggest that common sense experimentation would result in the claimed features. Furthermore, Kung et al. teaches not only integration of POTS service, but also the ability to conference calls as well as conference in the intercom sense (as seen by conference server 224 in Fig. 3 and Col. 11, lines 41 – 67, and Col. 19, lines 17 – 27 of Kung et al.) Clearly and as is notoriously old and well known, conferencing technology, no matter how implemented involves some type of bridging and the inclusion / exclusion of telephone sets, lines, etc. This then too, would provide the requisite common sense as well as applicable motivation (discussed above).

Finally, applicant's remarks are confusing since it is admitted that Wahi et al. teaches privacy mode selection for an external telephone line and then refutes that very statement with further remarks. For the purposes of rebutting applicant's arguments, examiner will assume that applicant has not asserted that Wahi et al. teaches the claimed aspects. However, on page 21 of the remarks, applicant argues that for example, "unlike conventional access systems, the claimed invention gateway correlates a telephone number with an external telephone line, instead of with a particular telephone." Nowhere in the claims is such a limitation found. Therefore, examiner's reading of the claims is maintained and the affidavit submitted with applicant's remarks regarding this argument and the alleged unique gateway processing method is irrelevant.

Also, while Wahi et al. may teach control of a single extension, even without using the new reference applied in the rejection above, it still would be obvious over the

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present invention. Claim 1 for example is read as a system which has multiple external lines, each of which can be independently controlled. Therefore, since Wahi et al. teaches controlling, in the claimed manner, a single extension, and multi-line telephones are notoriously old and well known in the art, it would be obvious to apply the control taught by Wahi et al. to another telephone line. There is no interaction between the multiple external telephone lines as claimed, i.e. "independently selecting private and public modes for each external telephone line..." and so this modification would merely be for example, connecting another telephone device with the same capabilities as taught by Wahi et al. to another external telephone line, or simply allowing a single multi-line telephone device to separately control each line. Such is old and well known and is seen in any multi-line telephone device. Any such device has control over each line, independently, i.e., one line can be answered while the other line is put on hold for example. Therefore, because Wahi et al. teaches certain features and control on one line, those same controls and features could obviously also be added to another line with no inventive step required. Such is merely common sense.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. 3,665,112 (Blake et al.) teaches multi-line telephone set with switching capability. US 3,920,929 (Tate) teaches a key telephone system. US 4,100,375 (Noller) teaches a telephone intercom and remote control system in a multi-line telephony environment. US 4,817,132 (Chamberlain et al.) teaches a multi-line

access module for a telephone set. US 5,764,743 (Goedken et al.) teaches a method of controlling operation of a multi-line telephone apparatus. US 5,960,065 (Beck et al.) teaches a two-line telephone controller with hold feature. US 6,219,411 (Peters et al.) a personal computer assisted multi-line access system.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hector A. Agdeppa whose telephone number is 571-272-7480. The examiner can normally be reached on Mon thru Fri 9:30am - 6:00pm.

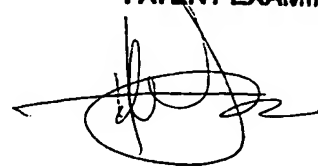
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hector A. Agdeppa  
Examiner  
Art Unit 2642

March 30,2005

**HECTOR A. AGDEPPA**  
**PATENT EXAMINER**

A handwritten signature in black ink, appearing to be 'H. Agdeppa', written over the printed name and title.